

GOVERNOR'S
REASONS
FOR VETO:

"This resolution to sue would...unduly waste the limited resources of this state by forcing it to continue to defend claims that have twice before been adjudicated," the Governor said.

SPONSOR'S
VIEW:

Rep. McWilliams was unavailable for comment.

Permission for Billy Bob Berry to sue the state
(HCR 86 by Bush)

DIGEST:

HCR 86 would have granted Billy Bob Berry permission to sue the State of Texas and Grayson County College. Berry alleged that the college had advised him to withdraw from the school of nursing because his minor hearing handicap would prevent him from passing the necessary exams, although it had earlier assured him that his handicap would present no problem.

GOVERNOR'S
REASONS
FOR VETO:

The Governor said the resolution was unnecessary because a junior college can already be sued under Tex. Educ. Code secs. 23.26 and 130.084. He also said the resolution would unjustifiably expose the state to liability because the state is not responsible under the law for the alleged acts or omissions of Grayson County College.

SPONSOR'S
VIEW:

Rep. Bush's office said Rep. Bush understood the Governor's point of view and knew that the resolution was not strictly necessary. He wanted the resolution passed as a backup just in case the statute allowing the college to be sued was misinterpreted by the court, staff members said.

Permission for J. Scoggins and G. Gammage to sue the state
(HCR 137 by Sam Hudson)

DIGEST:

This resolution would have given two former commissioners of the Texas Commission for the Deaf, Jim Scoggins and Gerry Gammage, permission to sue the state and the Attorney General. While they were commissioners, Scoggins and Gammage were named as parties to a law suit filed by a former executive director of the commission. They allege that the

Attorney General promised to provide financial and legal support in defending against the lawsuit but failed to do so.

GOVERNOR'S
REASONS
FOR VETO:

The Governor said the allegations giving rise to HCR 137 were prohibited by VACS art. 4411, and that to enact the resolution would set a bad precedent.

SPONSOR'S
VIEW:

Rep. Hudson was unavailable for comment.

NOTES:

VACS art. 4411 says that no admission, agreement or waiver made by the Attorney General in a suit or action in which the state is a party shall prejudice the rights of the state.

Permission for Black Gold Express to sue the state
(HCR 235 by Wright)

DIGEST:

HCR 235 would have granted permission for Black Gold Express Company to sue the state and the Port of Houston Authority. Black Gold Express alleged that it had delivered a 20-foot chassis to the Port of Houston Authority for use in loading a container onto a ship, and that the the Authority failed to return the chassis. When the company filed suit against the Port Authority, the Attorney General responded that the company must obtain legislative permission to sue.

GOVERNOR'S
REASONS
FOR VETO:

The Governor said since the resolution involved a dispute between Black Gold Express Company and the Port of Houston Authority, the state had no connection or involvement with this lawsuit. He said the resolution would needlessly have exposed the state to liability and required the Attorney General to defend a suit where there was no cause of action against the state.

SPONSOR'S
VIEW:

Rep. Wright was unavailable for comment.

NOTES:

The attorney for Black Gold Express Company said that while there was some question whether the Port of Houston Authority is a political subdivision of the state, the Attorney General is evidently of the belief that it is, and court precedents are available to support that view. He said the company is caught